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E-filed on: May 11, 2016

5 Attorneys for Creditors Liberty Media Holdings, LLC  
 6 and Excelsior Media Corp.

7 **UNITED STATES BANKRUPTCY COURT**  
 8 **FOR THE DISTRICT OF NEVADA**

9 In re:

10 MARC JOHN RANDAZZA,

11 Debtor.

Case No BK-15-14956-ABL

Chapter 11

Hearing Date: May 25, 2016

Hearing Time: 1:30 p.m.

13 **LIMITED OPPOSITION TO FIRST INTERIM FEE APPLICATION OF LARSON &**  
 14 **ZIRZOW, LLC AS GENERAL REORGANIZATION COUNSEL FOR THE DEBTOR**  
 15 **FOR ALLOWANCE OF COMPENSATION FOR SERVICES RENDERED AND**  
 16 **REIMBURSEMENT OF EXPENSES INCURRED**

17 Creditors Excelsior Media Corporation and Liberty Media Holdings, LLC (collectively  
 18 “Creditors”), by and through their counsel, James D. Greene, Esq. of the firm Greene Infuso,  
 19 LLP, hereby file their Limited Opposition to the First Interim Fee Application of Larson &  
 20 Zirzow, LLC as General Reorganization Counsel for the Debtor for Allowance of Compensation  
 21 for Services Rendered and Reimbursement of Expenses Incurred (“Application”). Creditors do  
 22 not object to the amount of fees or costs sought in the Application, but do object to three aspects  
 23 of the Application.

24 First, Creditors dispute the Application’s assertion that 75 percent of the Debtor’s post-  
 25 petition wages are exempt (and therefore may be used to pay fees related to dischargeability  
 26 litigation) in light of the clear mandate in Bankruptcy Code Section 1115 that a Debtor’s post-  
 27 petition wages in Chapter 11 cases are property of the bankruptcy estate and the apparent failure  
 28 of the Debtor to claim post-petition wages as exempt. The issue of whether post-petition wages  
 may be claimed as exempt appears to be unsettled. The Debtor cites only a single case

1 addressing the issue, *In re Waller*, 525 B.R. 320 (Bankr. E.D. Va. 2015), but it is non-binding  
 2 and did not address an exemption claim involving post-petition wages, but rather a post-petition  
 3 auto accident settlement. Creditors submit that Congress' clear intent to include post-petition  
 4 wages in Chapter 11 estates overrides the notion that 75 percent of such wages can be  
 5 summarily removed from the estate. *See In re Seely*, 492 B.R. 284, 289 (Bankr. C.D. Cal. 2013)  
 6 ("After the effective date of BAPCPA, ...Chapter 11 debtors' post-petition wages became  
 7 property of their bankruptcy estates under Section 1115(a)....").

8 In addition, however, in the case at bar the Debtor's Schedule C (copy attached as  
 9 Exhibit 1) gives no indication that the Debtor is claiming an exemption in post-petition earnings.  
 10 Although Schedule C references exemption claims under NRS 21.090(1)(g), nothing suggests  
 11 the claim of exemption is intended to apply to post-petition wages.

12 Second, Creditors object to any of the fees incurred in connection with the  
 13 dischargeability litigation initiated by Creditors (Application, ¶ 21 and totaling \$24,397.50)  
 14 from being paid from estate assets. This litigation involves solely claims asserting the non-  
 15 dischargeability of debts and do not involve claim objections to Creditors' proof of claim or any  
 16 other work that could conceivably benefit the bankruptcy estate.

17 Finally, Creditors object to payment of any fees from the estate for work related to the  
 18 Cox adversary proceeding to the extent that it involves non-dischargeability claims. The  
 19 Application states that such work is "minimal" (Application, ¶ 22), but any such work should be  
 20 specifically identified and carved out of any portion of the fee award to be paid from the estate.

21 DATED this 11th day of May, 2016.

22 **GREENE INFUSO, LLP**

23 /s/ James D. Greene  
 24 James D. Greene, Esq.  
 25 Nevada Bar No. 2647  
 26 3030 South Jones Boulevard  
 27 Suite 101  
 28 Las Vegas, Nevada 89146

Attorneys for Creditors Liberty Media Holdings,  
 LLC and Excelsior Media Corp.

## **CERTIFICATE OF SERVICE**

I am employed by the law firm of Greene Infuso, LLP in Clark County. I am over the age of 18 and not a party to this action. My business address is 3030 South Jones Boulevard, Suite 101, Las Vegas, Nevada 89146.

On May 11, 2016 I served the document(s), described as: **LIMITED OPPOSITION TO FIRST INTERIM FEE APPLICATION OF LARSON & ZIRZOW, LLC AS GENERAL REORGANIZATION COUNSEL FOR THE DEBTOR FOR ALLOWANCE OF COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES INCURRED**

- by placing the  original  a true copy thereof enclosed in a sealed envelope addressed as follows

a. ECF System (*You must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary*)

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Zachariah Larson, Esq.  
Matthew C. Zirzow, Esq.  
Larson & Zirzow, LLC  
850 East Bonneville Avenue  
Las Vegas, Nevada 89101

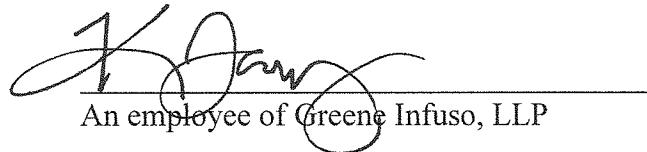
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  - d. BY DIRECT EMAIL
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1 I declare under penalty of perjury that the foregoing is true and correct.  
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3 Dated this 11th day of May, 2016

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5 An employee of Greene Infuso, LLP  
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